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NEWS FROM MONTANA'S CAPITOL
Vol. 1, No. 10 (December Edition)
[1986]

A Publication from the Office of the
Coordinator of Indian Affairs

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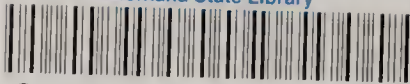
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COORDINATOR OF INDIAN AFFAIRS

HO! HO! HO! MERRY CHRISTMAS! May this Holiday season bring the blessings of Christmas to you and yours. May family and friends gather 'round you AND, may the New Year bring you happiness and peace. Also... May I, or a relative of mine, win the new Montana state lottery!

What is life -

It is the flash
of a firefly
in the night.

It is the breath
of a buffalo
in the wintertime.

It is the little shadow
which runs across the grass
and loses itself in the sunset.

CROWFOOT

80% Indian Alcoholism Rate Inflated

A newspaper article addressing Indian alcoholism appeared in Montana's major newspaper publications several weeks ago. This article quoted a study prepared by the Montana United Indian Association (MUIA), Clint Grimes as researcher, for the Montana State Department of Institutions and stated, in effect, that 80% of Montana's and Wyoming's American Indians are alcoholics. This statement, of course, brought about quite a rift in the Indian community, as well as the general public. Some people wondered if this statistic could possibly be representative of the Indian populace; while others simply accepted the figure as fact since it was in print; and still others requested that the issue be researched further and the quoted study be analyzed. Since nearly all the calls this office received asked for the latter, that is what this office tries to address in the following.

In trying to find statistical data directly related to American Indian alcoholism, one finds that there virtually is none. It is, therefore, extremely hard to research the topic of Indian alcoholism, as requested. When we considered possible methods for ascertaining this information, we found that all the methods leave out some crucial aspect. For example, if we were to survey all of Montana's reservations, the Bureau of Indian Affairs (BIA), the Indian Health Service (IHS), and any and all alcohol treatment centers serving Montana's Indian populace and request the number of Indian people treated; we still would not have a representative figure of Montana's Indian alcoholics. Those persons seeking treatment are probably just a small percentage of those persons afflicted with the disease. If we are

to use a formula and survey people asking them questions about their family's drinking habits, as well as their own, we are getting second-hand information on the questions relating to family and personally-biased answers in relation to the questions on one's self. Neither of these methods seemed capable of the task. If we were to use statistical tables on diseases or accidents related to alcohol abuse, we are creating relationships where they may or may not be any. Assumptions would have to be made.

Also, when one deals with a subject such as alcoholism, you need to define your terms. Do you mean alcoholic in the sense of being what is commonly referred to as a drunk? or do you mean someone who drinks once in a blue moon, but gets drunk every time they drink? or do you mean someone who drinks quite often, but never gets visibly drunk? Just what is an alcoholic? I believe that most persons reading the article stating that 80% of Montana's Indians are alcoholic mentally pictured the "drunk". That is not the correct definition, but it is all too often the connected image, especially when it relates to American Indians. According to the quoted study, "The standard social stereotype of the shiftless, drunken Indian is widespread in Montana."

Alcoholism, as defined in Webster's dictionary, is "a complex chronic psychological and nutritional disorder associated with excessive and usually compulsive drinking". I think we run into the same problem when we try to define something as complex as alcoholism, and that is that no definition rises to the task. Each one is either too encompassing or else it does not cover enough. Even people in the field of alcoholism differ on how they would best define alcoholism. The definitions are as varied as the people with the disease. That must be why statistical data on the rate of Indian alcoholism is so hard to come by. It is a complex disease which cannot be easily labeled and categorized; just as the people suffering from it cannot be easily isolated and statistically analyzed.

Therefore, the best way to assess the 80% figure in relationship to Montana's Indian populace was, in our opinion, through Indian population statistics. Instead of showing you the numbers of persons thought to be alcoholic, we decided to show you the total numbers and let the figures tell their own story.

As can be seen from the attached statistics using Montana State's 1980 Census figures and using the special census of the Blackfeet Reservation (October 24, 1983), Forty-six percent (46%) of the reservation Indian populace of the state of Montana is under the age of 18 and not considered adult for all practical purposes. When this statistic is considered in regard to the overall population of Indians within the state of Montana, it is quite easy to surmise that 80% of Montana's Indian people could not possibly be considered alcoholic since literally 46% of those people are juveniles and, of the juvenile populace, nearly 31% are under the age of 5 years old.

The headline of the article in the October 14, 1986 issue of the Great Falls Tribune which discussed the rate of Indian alcoholism read, "Indian Alcoholism Rate May Be 80 Percent". It did not say, "Adult Indian Alcoholism May Be 80 Percent" or "Indian Alcoholism May Be 80% Among Those Indians Who Drink". Although the article did later quote Terry Beartusk citing "a study done in 1975 that showed an alcoholism rate of close to 80 percent for all Indians above the age of 14 in those two states"; it did not further clarify the percentage rate. Our office

called Clint Grimes, the researcher of the alcoholism study, and he said that the aforementioned was a mis-quote. He said the all important qualifier of "of those Indians who drink" was left out. A person cannot have the disease of alcoholism if he/she does not drink. The further delineation "of all Indians above the age of 14" also tends to lessen the impact of such a statement. The article did not refer to these and other very important qualifiers contained in the study itself.

This, then, brings us to the quote and the study from which it was taken. First of all, the survey sample for the study was not a random sample of the Indians in Montana. Mr. Grimes interviewed professionals in the field of alcoholism. One of, if not the, major symptom of alcoholism is denial and, as Mr. Grimes pointed out, a random sample would probably not be reflective for this reason. But, using people who deal specifically with the abuse of alcohol and the disease of alcoholism as the sample is also not truly representative. These people are more sensitized to the problem and they deal with those suffering from the disease of alcoholism on a daily basis. This is going to be reflected in their answers. As a result, the study will be skewed and the results will also be skewed. Mr. Grimes agreed with this assessment.

Secondly, the statistical information referenced in the study was pulled from death rate tables, arrest statistics, alcoholism admission reports, etc. All of these tables, while relationships can be drawn, do not specifically identify alcoholism rates among Montana's Indian populace. They may be indicators of alcohol abuse, but because of the problem of identification discussed in the first part of this paper, it is virtually impossible to isolate the disease and the people suffering from it to quantify it all. Grimes recognized this also, but he feels that they are indicative enough to draw those relationships and states that other studies and reports lend credence to the 70-80% figure since they came up with relatively the same high incidence in their findings. Of course, a logical reason for this is that these researchers used the same sort of statistical data to draw their conclusions from also.

Lastly, the quote referenced in the newspaper article reads as such, "In Montana, most professionals interviewed in this study estimate that 70%-80% of off-reservation Indians have alcohol problems requiring some form of treatment". The key words have been underlined by myself for the purpose of showing, once again, how very important qualifying terms were left out. The use of professionals in the field of alcoholism as the survey sample has already been discussed. The fact that the percentage rate is estimated, rather than statistically proven is also an important consideration. "Off-reservation" is another key word which again limits the scope of those Indian persons, who drink, that can be considered as part of the 70%-80% statistic. Also, a major and critical word used in this quote is "alcohol problems". Alcohol problems is a great deal more inclusive, in my opinion, than is the word alcoholism. Depending on one's definition of alcoholism, a person can have problems relating to alcohol and still not be an alcoholic. Alcohol problems could include anything from the inability to quit drinking, which I would define as alcoholism, to the problems of a less chronic nature where a person drinks once in a blue moon, but gets drunk and obnoxious on two beers. The latter I would not consider alcoholism, but an alcohol problem.

We are not trying to minimize the problem or trivialize the problem of alcoholism among Montana's Indian populace, but we also know that

throwing out statistics claiming that 80% of Montana's Indian people are alcoholics does not benefit anyone. It does not even redeem itself when used as a means to shock people into action, because it first of all alienates the very people it is meant to help - Montana's Indians - and secondly, because it provides the general public with a distorted picture. People fill in their own definition for the term alcoholic and the result is misconception and misinformation.

The one premise that Mr. Grimes study revolves around has been neglected thus far and I feel it deserves to be heard. That premise is that when one considers the fact that Indians have only been generally exposed to alcohol for 116 years, and that Montana's Indians have only been allowed to drink legally in these United States since 1953 (an act called the Indian Intercourse Act of 1832 was repealed in 1953 and allowed Indians to purchase alcohol), it should not come as any big surprise that Indians tolerance levels should be reflected by a high alcoholism rate. Another consideration is that two of Montana's seven reservations are "dry" and liquor cannot be purchased there presently.

A table contained in the study shows several races, the number of years exposed to alcohol, and the rate of alcoholism. The Jew and Italian have been exposed to alcohol since antiquity and their rate of alcoholism is low. The Irish and Northern European have been exposed for some 1500 years and their rate of alcoholism is medium. The Indian has been exposed for approximately 150 years and drinking legally for 33 years. The alcoholism rate is high.

In summation, the article that prompted this response was based on what the researcher of the study himself called a misquote and there were many qualifiers to that quote that were not expounded on. Regarding population statistics and how they relate to the Indian populace, when the 80% alcoholism statistic is applied across the board to all of Montana's Indians, the possibility of that reflecting reality is nil. 46% of Montana's Indian populace is under the age of 18 and, literally 30.5% of that figure is under the age of 5. Of course, when one pulls in the qualifiers underlined in the quote, then the statistic does become more plausible.

I think what also needs to be addressed in this paper, that we had not initially decided to do in the beginning, is state why such studies are done and why statistics are quoted. Alcoholism cannot be beaten simply because we throw money at it, but unless the resources are put forward to combat it, then there can be no improvement. It is a fact of life that in order to obtain the money to fight a problem from Congress (whether it be the U.S. Congress or Montana's Legislature) or the tribes, or any of the federal agencies (IHS, BIA), the people requesting that money must show a head count and the higher the head count of those people affected, the better the chances of obtaining funding for that particular program. Studies, such as the one discussed here are done so that the affected populace can be identified and quantified. Studies are quoted so that people can be made aware of the problem, and so that resources to combat that problem can be requested.

We, as Indian people, have lived with the stereotype of the drunken Indian for so long now that to have someone lend that stereotype credence by announcing that 80% of our people are alcoholic is too much. It is frightening, because one statement like that can erase hundreds of positive ones and push us back decades in regards to image gains made of hardworking, responsible, non-alcoholic Indian professionals. It can

make possible employers again reevaluate their hiring practices towards Indians and use an alcoholism statistic to avoid hiring Indian people. It can make an unsure college freshman from the reservation even more unsure because now his pride-filled image of "Indianness" is clouded by a statistic labeling Indians as alcoholics.

Yes, alcohol is a major problem among our people and it needs to be defined. Yes, we welcome any and all help to combat it. But what I hear as the voice of many of Montana's Indians saying is "let us define our needs, let us determine how those needs can be met, and help us with the resources to meet those needs." Don't slap labels on our people. Don't prioritize our problems for us.

When I was in high school, the kids complained (as kids always do) that there was nothing to do. The adults in the community listened and felt that if they could just fill that need, the students wouldn't get into trouble and the problem would be solved. The adults set to work to put together a recreation center where students could spend their time. After a few weeks, the adults of the community were stymied as to why noone was using the center. They had carefully planned the center and tried to include many activities they thought would be interesting and fun for the students, yet hardly any of the students came. The problem was not the center or the parents well-meaning efforts. The problem was that the students, themselves, were not involved.

Thunder Child Inter-tribal Alcoholism Treatment Center in Sheridan is a beginning to the involvement of Indians in the treatment of Indian alcoholism and they have had tremendous successes. Probably the biggest reason for this high success rate is because the center is run by an American Indian who understands the Indian alcoholic and who is a motivated professional in the field of alcoholism. Other programs such as the educational programs in Montana's schools are making a difference. The Indian Health Service has recognized the tremendous need and they are helping with funding and advisory expertise to address the problem. The Indian people in Montana's communities are beginning to realize the powerful tool they have in presenting positive role models and they are becoming more effective "teachers". All of these efforts are going on among the Indian people themselves and, with additional funding, progress can continue to be made. So let us realize the significance of the problem of alcoholism, as well as recognize the positive efforts presently being exercised to combat the problem, and work together to continue those efforts.

AMERICAN INDIAN POPULATION
ON MONTANA'S RESERVATIONS

<u>Blackfeet Reservation:</u>		
Total Indian population	Total 7,284	% 's 100%
Under the age of 5 yrs.	1,010	14%
5-17 yrs.	2,086	28%
Total population under 18 yrs.	3,096	43%
Age 65 and over	316	4%
<u>Crow Reservation:</u>		
Total Indian population	3,953	100%
Under the age of 5 yrs.	546	14%
5-17 yrs.	1,243	31%
Total population under 18 yrs.	1,789	45%
Age 65 and over	163	4%
<u>Flathead Reservation:</u>		
Total Indian population	3,771	100%
Under the age of 5 yrs.	412	11%
5-17 yrs.	1,157	31%
Total population under 18 yrs.	1,569	42%
Age 65 and over	210	5½%
<u>Fort Belknap Reservation:</u>		
Total Indian population	1,870	100%
Under the age of 5 yrs.	238	13%
5-17 yrs.	622	33%
Total population under 18 yrs.	860	46%
Age 65 and over	100	5%
<u>Fort Peck Reservation:</u>		
Total Indian population	4,273	100%
Under the age of 5 yrs.	599	14%
5-17 yrs.	1,381	32%
Total population under 18 yrs.	1,980	46%
Age 65 and over	207	5%
<u>N. Cheyenne Reservation:</u>		
Total Indian population	3,101	100%
Under the age of 5 yrs.	467	15%
5-17 yrs.	1,079	35%
Total population under 18 yrs.	1,546	50%
Age 65 and over	103	3%
<u>Rocky Boy's Reservation:</u>		
Total Indian population	Total 1,549	% 's 100%
Under the age of 5 yrs.	213	14%
5-17 yrs.	575	37%
Total population under 18 yrs.	788	51%
Age 65 and over	66	4%

Reservation Totals:

Total Indian population	25,801	100%
Under the age of 5 yrs.	3,485	14%
5-17 yrs.	8,143	32%
Total population under 18 yrs.	11,628	46%
Age 65 and over	1,165	4½%

Montana's Legislature to Convene January 5, 1987

As you are all aware, Montana's Legislature will convene in Helena for its' 50th session on January 5, 1987 at noon. This office has already petitioned the tribes for any legislation that they felt should be introduced. There are many issues and proposals being tentatively set for introduction which will affect the Native American populace of Montana during this session. These areas range from education, social services, and taxation (resource, etc.), to those issues more specifically involving Indians; such as the Indian Child Welfare Act.

Montana's Committee on Indian Affairs has five bills that will be introduced during the session. The first deals with the reauthorization of the Committee, itself. The second involves the creation of a position within the Dept. of SRS for an Indian Child Welfare Coordinator. This person would deal specifically with cases involving Indian children who fall under the Indian Child Welfare Act. It calls for the hiring of a person knowledgeable of Indian people and their customs and traditions, of the social service system, and of the Indian Child Welfare Act. The third bill calls for a person knowledgeable of Indian people and their customs and traditions to be put on foster care review boards on reservations. The fourth bill, which was initially written by this office, opposes the Indian Health Service's proposed changes in regulations regarding eligibility requirements and service areas. Lastly, the fifth bill recommends that the present MCA's (Montana Codes Annotated) be revised so that an avenue for state revenue-sharing with the tribes can be established.

All of the legislation addressed above is important to the Native American community and, as a part of Montana's voting public, it is important that the Indian perspective be represented. For this reason, we ask that interested representatives come and let your concerns be known. If you want a voice in Montana's politics, you must first open your mouth to be heard.

National Indian Education Conference

The National Indian Education Conference was held in Reno, Nevada at Bally's MGM Grand Hotel last week. Delegates from this office were in attendance.

The conference included workshops, exhibits and crafts, a fashion show, a banquet, and a pow-wow. Billy Mills, former Olympic gold-medal

winner, was an honored guest and did a workshop presentation. Miss Indian America was also in attendance. Representative Elect Ben Nighthorse Campbell (D-Colorado District 3) was the banquet speaker and was quite impressive. The pow-wow was also quite good. There were quite a few dancers and six drum groups present. One group was even from Montana - the Blackfeet. Also present at the pow-wow were the Aztec dancers. These dancers have performed within Montana before at various pow-wows and put on a good show.

The conference, as a whole, was really very good. Some of the workshops were hard to get into due to the size of the rooms and limited seating, but the workshops we attended were very informative and well done.

Within education lies the key to many advancements for the Indian people as a whole. It is for this reason, that conferences such as this one are necessary and helpful things. Not only for the dissemination of information, but also for the social value. Many new contacts were made and old ones were reestablished. Sharing is an Indian tradition and a whole lot of that was going on at this conference.

CAPITOL NEWS

Montana Indian Nation's Rendezvous in Helena

Governor Ted Schwinden will open the Governor's Mansion and host an Indian Art Show. There will be a "by invitation only" reception held at the Governor's Mansion on Thursday, January 29th. The show will run from January 26th to February 6th. Viewing hours for the general public will be set during this time, but have not been definitely decided at this time.

For further information, contact this office at 444-3702.

Wheels Turn For Lottery

Independent Record, December 6, 1986

The wheels are in motion to set up a 35-person bureaucracy to administer the new state lottery, and Gov. Ted Schwinden said Friday that it also is time to create "a sort of gaming commission" to regulate legalized gambling. "I think most people would concede there has been a slow but relatively steady expansion of gambling in the state," Schwinden said.

To reduce cost and to coordinate gambling regulation, Schwinden has proposed combining lottery, electronic poker and horse racing into a single division within the Commerce Department. Electronic poker regulation is now handled by the Revenue Dept., and the Legislature would have to authorize the transfer of the four-person bureau and its \$227,000 budget to Commerce. The Board of Horse Racing already is administered by Commerce and the transfer of its five employees and \$300,000 budget into the new division could be made without legislation. If Schwinden gets his way, the new Lottery Division would employ about 45 people and have an operational budget of about \$8 million.

Under the referendum approved at the November polls the Lottery must be operational by July, and Schwinden said he will appoint the five-member commission to oversee it and the lottery director by the end of December.

Commerce Administrator for Management Service Andy Poole is laying the groundwork for the new lottery, until Schwinden fills the director position. Whoever is appointed also will have administrative control of poker regulation and horseracing, he said, but none of the powers of the appointed Board of Horse Racing would be usurped. "Their operation won't change at all," he said.

Racing Board Chairman Harold Berke said he is keeping an open mind on the concept, but would oppose it, "if we have any loss of our domain or authority." "We need to know how that division of gambling or whatever you call it will be handled," he said.

Commerce has hired Owen Hickey, who has helped start four other state lotteries, as a consultant to help get Montana's lottery off to a good start. "The potential for making some big mistakes is there," Poole said. "It makes sense to get a knowledgeable person to help."

Poole said Montana's sparse population will be the most difficult thing to overcome in promoting the lottery. To partially offset that problem, Poole said each batch of tickets sold to distributors will have a guaranteed number of "low-end prize winners" to ensure geographic distribution. But the big prizes won't necessarily be spread across the state, he said. "I'm convinced the lottery will be successful, but the degree is dependent on how population density is overcome," he said.

Schwinden said "personal integrity" is his top priority for selecting the commission and director, because he doesn't want any hint of scandal from the new division. "We will run it without guaranteeing winners, but with the guarantee of honesty," Schwinden said.

AROUND THE STATE

State Officials Disagree Over Extent of Drug Use Billings Gazette, December 9, 1986

Helena (AP) - While state law enforcement officers, educators and counselors rally for support for a war on drugs in Montana, some state officials say Montana's problem is not rampant illegal drug use but, rather, overblown national attention focused on the subject.

Attorney General Mike Greely has called Montana "a haven for illegal drug manufacturing and distribution," and criticized the Legislature for inadequate support of programs to curb a thriving market. But Darryl Bruno of the Montana Dept. of Institutions Alcohol and Drug Abuse Division said he doubts illegal drug use is increasing in the state and it actually could be decreasing. He said an accurate picture of the drug problem in Montana schools requires an incidence and prevalence study, but funds for such a study have been unavailable. The last one was done in the 1970's and is outdated, he said.

Statewide statistics indicate 16 percent fewer people were admitted to treatment centers in fiscal year 1986 than last year. DUI offenses decreased 19 percent and alcohol consumption by the general public also decreased, he said.

State Highway Patrol statistician Gordon Hage said drug and alcohol-related accidents among youths aged 15 to 19 have been decreasing for several years, as much as 19 percent between 1984 and 1985.

Bruno said illegal drug use exists but isn't necessarily worsening

in Montana. While admission to treatment centers have doubled during the last six years, Bruno attributes the rise to increased identification of students with drug problems, not an increase in the problem itself. However, counselors, treatment center officials and parent organization leaders maintain the problem has worsened and drugs are being used by increasingly younger students.

Judy Griffith, a chemical dependency counselor in Helena, said students generally start experimenting between ages 11 and 13. Alcohol usually is their drug of choice, often in combination with other drugs, usually marijuana or amphetamines, but cocaine use is increasing, she said. Montana has yet to see large quantities of the cocaine known as crack, according to Bruno. National statistics show 19 percent of teenage students have a serious drinking problem, Griffith said, but counselors fear the figure is closer to 30 percent in Montana. Mona Sumner, a counselor with the state Institutions Department, said surveys of schools and treatment centers project that up to 68 percent of Montanans use drugs experimentally or abusively. And 80 percent of Indians either use or abuse drugs, according to the studies. But Bruno said he questions the surveys' reliability.

Besides conflicting views on the severity of Montana's drug problem, officials differ on what needs to be done to eradicate drug use in the schools. At a drug abuse prevention conference in Helena this fall, representatives from state education departments, drug counseling and rehabilitation organizations, law enforcement agencies, school districts and parent associations called for a statewide coordinated effort to combat the problem.

"The state of Montana must be willing to finance an effective effort against illegal drugs," the state attorney general said. "You can't do it with lofty words and intentions. You need money." Other conference speakers echoed Greely and stressed that money needs to be used to support not only law enforcement efforts, but also drug education and abuse prevention programs. Some hailed the use of anti-drug contracts in schools and suggested introduction of drug education programs in lower grade levels with an emphasis on developing youths' self-esteem. Others suggested adoption of tougher legislation to punish offenders. But state Rep. Ray Peck, D-Havre, said the laws already are in place and are tough enough. What is needed, Peck said, is more public pressure to persuade legislators to appropriate money for these programs. "We need to educate legislators," he said. "They're wrong, ill-advised and ignorant of what's happening."

Plan For Indian Center Blocked by Valley County Commission Billings Gazette, December 5, 1986

Glasgow (AP) - Valley County has severed its ties with the Valley Industrial Board, throwing a roadblock in front of the board's plan to open a chemical-dependency treatment center for juvenile Indians at a former Air Force base in northeastern Montana.

The board, which had financial and managerial connections with the county, has been in charge of development of the former Glasgow Air Force Base. Meanwhile, Valley Park Inc., which is in charge of the housing units at the base, has introduced a plan to sell residences as condominiums.

Valley County Commissioners late last month cut off all funds for the Valley Industrial Park Board, except for \$17,000, and took control of the base, which was closed by the Air Force in the 1960's. Commissioners also said they will retain control of \$600,000 in unspent funds from VIP. They did not disclose the reasons for their action, and they said they do not have immediate plans to use the \$600,000. Their action hinders VIP plans to convert part of the base for an Indian drug- and alcohol-treatment center. The board had planned to use \$200,000 of the \$600,000 to begin work on the rehabilitation center.

VIP Board President Peyton Terry said the board would try to get a contract for the treatment center and would explore other options for getting the \$200,000.

Crow May Sell Permits For Fishing
Billings Gazette, 11/22/86

The Crow Tribe may soon sell fishing and buffalo hunting permits to non-Indians as part of an effort to raise money for a self-supporting wildlife and range management program.

Tribal Chairman Richard Real Bird said diminishing numbers of deer and elk, which many Crow families depend on for meat, were reported in a survey last summer. Without a wildlife management program and an enforceable tribal fish and game code, the problem will continue to get worse, he said. A code, which would impose restrictions on Indians and non-Indians alike, has been written, Real Bird said and is being reviewed by tribal and federal agencies. After their recommendations have been considered, the tribe will probably hold public hearings. The chairman said the code could be in place by 1987.

Tribal attorneys are studying jurisdictional questions now, he said, and will be looking at ways of enforcing the code on non-Indians.

The U.S. Supreme Court ruled eight years ago that tribes do not have criminal jurisdiction over non-Indians. But a year ago in a case arising on the Crow Reservation, the Supreme Court ruled that tribal courts can assert jurisdiction in civil matters arising on the reservation, subject to review by the federal courts.

Agreements Made on Ceded Lands
Billings Gazette, 11/25/86

After two years of negotiation, the Blackfeet Tribe and the Lewis and Clark National Forest have reached informal agreements on management of some national forest lands once owned by the Blackfeet.

When the Blackfeet ceded lands from Birch Creek to the Canadian border to the federal government in a treaty ratified in 1896, they retained a number of rights. Although the treaty spells out tribal rights, questions can arise when specific management problems are considered. The informal agreements will help resolve those.

"I feel this agreement opens the door now for some serious negotiation on joint management of the ceded lands," said Dale Gorman, supervisor of the Lewis and Clark National Forest.

However, a resolution passed by the council may affect American Petrofina's proposed Hall Creek exploratory oil and gas well about 2½ miles south of Glacier National Park. The Interior Board of Land

Appeals upheld an appeal of a permit allowing the well to be drilled, in part because tribal access rights might not allow the Forest Service to prevent tribal members from using the well's access road.

The Fish and Wildlife Service had said the road must be closed to the public to protect the grizzly bear and wolf, species protected by the Endangered Species Act.

The Lewis and Clark National Forest had tried to establish an agreement between the Forest Service, American Petrofina, and the Blackfeet Tribe that would have provided for tribal employment during drilling of the well in return for guarantees that tribal members would respect the road closure. A resolution passed by the tribal council instructs tribal negotiators not to negotiate access rights to the Hall Creek Well.

"This means in effect that the matter of the Hall Creek Well is no longer open for discussion between the tribe and the Forest Service," said Earl Old Person, chairman of the tribal council, in a letter to the Forest Service accompanying the resolution.

The informal agreements were negotiated by the former tribal council and approved by the present council at a Nov. 7 meeting. The agreements were made with the understanding that they do not affect existing treaty rights. The agreements provide for cooperation between the tribe and the Forest Service in areas of employment, economic development and timber management. If a livestock grazing permit or outfitting permit becomes available on the national forest lands, the tribe will be notified.

No commercial timber will be sold in the area unless the tribe requests it. Tribal members will not need permits to camp for less than 14 days or gather plants and natural materials, especially Indian paint, so long as they are not for resale or gathered in large quantities.

BIA Office Gets Loan Power

Billings Gazette, December 11, 1986

The Bureau of Indian Affairs Area Office in Billings has received authority to guarantee \$3 million worth of loans to Indian farmers and ranchers in Montana and Wyoming, according to Myron Pease, BIA credit officer.

Pease said Wednesday that the BIA will provide guarantees as great as 90 percent to private lending institutions willing to give credit to qualifying tribal members. Individual tribal members may borrow up to \$350,000 under the program, if they can provide equity of up to 10 percent of the loan and if they have enough collateral to secure the loan.

Application for the loans should be made through local lending institutions, Pease said. The bank will then apply to the BIA for the loan guarantee. Pease said loan guarantees are normally approved at the BIA office in Washington, D.C. But because of severe financial problems in the agriculture industry, BIA area offices in Billings and Aberdeen, S.D., have been delegated the authority to approve guarantees.

Area office approval will significantly reduce the time it takes to process an application, he said, which may make the program more attractive to local bankers. "I think this will help some of the Indian borrowers who are having problems," Pease said. "It won't take care of

all of them."

Guarantees under the program will be available through June. They will be offered only to tribal members who farm or ranch within the boundaries of Indian reservations. The money is to be used exclusively for agriculture purposes. Once a loan is obtained and guaranteed it will be monitored by both the lending institution and the BIA.

BIA will also provide interest subsidies for Indians who qualify for the loan guarantees. Pease said BIA will subsidize the difference between what the bank charges in interest and the rate the BIA uses. The difference is usually about 2 percent, Pease said.

Technical and management assistance to applicants needing help with their paperwork is available through the BIA.

Project Troubles Tribe

Billings Gazette, December 10, 1986

It doesn't matter that the Crow Tribal Housing Authority hasn't met the threshold standard that would make the tribe eligible for new housing units in 1987. There are no units available for any Indian reservation in the Denver Region now, according to Dom Nessi, director of Indian Programs at the U.S. Housing and Urban Development regional office. By the time there are, possibly in the late spring, the tribe may once again qualify, he said.

The tribe was not awarded any units in 1986 and doesn't qualify even to apply for new housing in 1987 - mostly because of a single housing project gone awry. The project, known as 14-20, involved a \$2.7 million award for 46 homes. HUD stopped construction on the project a year ago when it became clear that there were financial problems. At the time, 37 of the houses were incomplete. Later in the year, HUD allocated an additional \$950,000 to complete the contract. The finishing touches are now being added to the final homes.

An audit of 14-20 has just been completed and HUD is studying the results, according to John Dibella, director of housing development division in Denver. During the next few months, HUD will be determining if any of the costs associated with the project will be disallowed. If they are, the housing authority will have to be responsible for the costs, Nessi said. In cases where disallowed costs are found, housing authorities usually repay the debt gradually through operating money from HUD, he said. The housing authority, a quasi-independent entity, would be responsible - not the tribe itself, Nessi said.

The housing authority has undergone considerable change since the problems developed - including a new director, Art Plenty Hawk. "Art is doing the best he can under the circumstances to establish some sense of order, so the tribe will be eligible at some point down the line" Dibella said. "He seems to be getting on top of the situation."

But 14-20 could be a pesky problem for some time to come. At least two contractors have filed lawsuits against the housing authority in tribal court asking hundreds of thousands of dollars in damages. The housing authority is apparently on its own in these. HUD officials said problems arising from the contract are between the housing authority and the contractors. The FBI has also begun an investigation into 14-20.

With the specter of 14-20 still looming, the housing authority is working toward meeting an "administrative capability assessment" level that will qualify it to apply for more houses during the next

allocation. Nessi said that given the uncertainty of federal funding it is hard to predict when new units will be available for allocation.

DeWitt Dillon, spokesman for tribal Chairman Richard Real Bird, said the tribe is continuing its investigation into the project and is doing its best to get the problems resolved.

More Heat Aid Proposed

Great Falls Tribune, December 2, 1986

Helena - Gov. Ted Schwinden is recommending that \$14.4 million in oil-overcharge funds be divided among various state programs, including those to help poor and elderly people weatherize and heat their homes.

Like other states, Montana has received this money because of litigation and settlements in cases filed against oil companies by the U.S. Dept. of Energy. Montana is getting \$10.6 million from Exxon, \$3.5 million from Stripper, \$235,000 from Diamond Shamrock and \$124,000 from Amoco. These funds may not be used to replace state funds and can be spent only in the authorized program areas.

Here is how Schwinden recommends spending the money:

- * \$1.7 million to the Dept. of SRS for weatherization.
- * \$5.75 million to SRS to create a trust program for weatherization and the Low-Income Energy Assistance Program, which helps pay the winter heating bills of elderly and poor people. The SRS director could spend the interest earnings on either program at his discretion and could use the principal to replace federal funds if the allocation to either program is cut.
- * \$2.1 million to the Dept. of Natural Resources and Conservation for a grant, to be administered by the Commerce Dept., to build a transloading facility. Such a facility would be used to transfer semi-truck trailers carrying cargo onto railroad flatbed cars for shipment. The administration intends to accept competitive bids from Montana communities to build a facility. Butte already had a proposal on the drawing boards, while Great Falls and Missoula also have expressed an interest.
- * \$500,000 to DNRC for grants for energy conservation programs in agriculture.
- * \$235,000 to DNRC for a grant to the Montana Local Government Energy Office for technical assistance to local governments and school districts.
- * \$829,000 to DNRC for the state energy conservation program.
- * \$2 million to DNRC for revolving loans for energy retrofits of state buildings.
- * \$1.1 million to DNRC for an institutional conservation program. These funds, along with \$1 million in federal funds, would be made available to schools and hospitals on a competitive basis.
- * \$50,000 to DNRC for energy conservation research and analysis.
- * \$211,000 to the Dept. of Highways for installation of low-pressure sodium vapor lights east of the divide.

Indians Urged To Go After U.S. Projects
Billings Gazette, December 10, 1986

Native Americans should work together at pressuring Congress and the administration to set aside portions of each federal-agency budget for Indian contractors, Caleb Shields, a Fort Peck councilman said Tuesday.

Shields was the opening speaker in the two-day Montana Inter-tribal Policy Board Conference at the Northern Hotel in Billings. Standing federal allocation of contracts for Indians could provide a permanent solution to the biggest problem on reservations - unemployment, Shields said. "Unemployment is causing devastation on the reservation; really to the social structure of the tribes," he said. "If we're ever going to do anything on the reservation, we're going to have to start focusing on jobs."

The Defense Department alone could provide full employment for 200,000 adult Indians nationwide if it set aside one-half a percent of its contract for Native Americans, he said.

Fort Peck has a contract with the Defense Dept. that employs about 500 people, making it the biggest manufacturer in the state. Other Montana tribes should check the chances of obtaining contracts, Shields told the group.

He said Montana gets very few contracts for the 5 million items the department buys. He suggested that the state work with the tribes to help obtain contracts. Whatever money is generated on Indian reservations ultimately boosts the state's economy, Shields said.

Tribes should use their veterans and Indian organizations to start the drive on the Defense Department, he said.

In other business before the conference Tuesday, Dick Whitesell, area director of the Bureau of Indian Affairs Billings office, said that the BIA has contracted with the Mellon Bank of Pittsburgh to handle the multitude of financial details involved in maintaining thousands of trust accounts. The BIA has few accountants and trained financial officers to handle the complex job, he said, and as a result many of the accounts have not been balanced for years.

The bank is paid \$4.3 million for the initial contract, which involves handling \$1.7 billion in trust accounts. All interest earned on the money will be applied to the accounts, he said. The bank receives only what the BIA pays it under contract.

The Billings area was selected as a prototype for the project and the Blackfeet Reservation will be the first to go on the computer linking tribal trust accounts to the bank.

Fort Peck to Get Housing Projects
Independent Record, December 4, 1986

Poplar (AP) - Construction may begin in the spring or early summer on the first of two new government housing projects on the Fort Peck Indian Reservation, the director of the Fort Peck Housing Authority says.

The first project includes 50 low-rent houses to be built at cluster sites in Poplar, Wolf Point, Frazer, Brockton, and Fort Kipp, said Iva Grainger, housing director.

Construction of the second project, involving 74 houses scattered throughout the reservation, will begin about six months after the first project is under way, Grainger said this week. If an outside contractor builds the houses, residents should be able to move in about one year after construction begins, she said. The housing authority has sometimes acted as contractor.

The houses will be built with an \$8 million grant from the U.S. Department of Housing and Urban Development. She said the housing authority has 500 people waiting for houses.

Young, White Montanans Like to Drive Fast, Vote
Billings Gazette, December 8, 1986

HELENA - True or false. Montana has: 1) A low rate of infant deaths. 2) A large percentage of households with cable TV. 3) Relatively few prison inmates for the size of the state's population. 4) An above average number of divorces. 5) About the same number women as men. If you said all the above statements were true, you must know the state very well. Or perhaps you've been studying the U.S. Census Bureau's latest statistical portrait of Montana and other states. The report is crammed with numbers, percentages, ratings and rankings on dozens of topics.

Montana emerges from the slew of statistics as a state both predictable and peculiar.

If you're looking for a statistical edge in finding a mate, Montana isn't a good place to do it. It has 99.6 males per 100 females. Women would be better off going to Alaska, where there are 112 males per 100 females. And men would fare better in the District of Columbia, where the ratio is 86.1 to 100.

If you do find a mate, the odds are somewhat higher in Montana than other states that it won't last. Montana had the 16th highest divorce rate in 1983.

The state's population is relatively young and predominantly white. In 1984, it had the 11th highest percentage of people under 18 years old and the 30th highest for those 65 and older. Meanwhile, 94 percent of the state's residents are white.

As one might expect, the people who live in Montana aren't particularly well off. In 1984, Montana ranked 43rd in the nation for per capita income: \$10,217.

The state also had a relatively low number of millionaires, ranking 32nd. (The farm business must be better in neighboring North Dakota as it ranked first for per capita number of millionaires.)

While Montanans aren't wealthy, they aren't on welfare either. The state ranked 42nd in percentage of population getting Aid to Families with Dependent Children and 37th in those getting food stamps.

Following are a few other rankings for Montana gleaned from the bureau's reports:

- * 23rd in crime rate per 100,000 population, 1984.
- * 6th in state and local government employees per 100,000 population, 1984.
- * 10th in per pupil expenditures for public elementary and secondary schools in 1985. Cost: \$3,968 per pupil.
- * 4th in federal funds going to state and local governments on a per capita basis, 1984.

- * 3rd in percent of voting age population casting votes in 1984 presidential race. Percentage: 65
- * 35th in number of scientists and engineers per 100,000 population in 1982.
- * 5th in deaths from motor-vehicle accidents.
- * 7th in percentage of vehicles that exceed 60 miles per hour on the highway.
- * 41st in number of physicians per 100,000 of population, 1982.
- * 36th in infant mortality rate.
- * 14th in birth rate.
- * 11th in percentage of households with cable TV.

Regents Want Entry Standards, Cut Sport Funds
Independent Record, December 13, 1986

Billings (AP) - Admission standards, reduced athletic funding and use of semesters were among cost-cutting changes in the Montana University System ordered by the state Board of Regents here Friday. The board also agreed to ask the 1987 Legislature to eliminate most mandated fee waivers from the law.

The actions were among a series of proposals offered by Commissioner of Higher Education Carrol Krause to reduce University System spending in the wake of \$10 million in budget cuts over the past year. In addition, Gov. Ted Schwinden's executive budget suggest another \$12.4 million reduction in the next biennium.

By adopting measures, the regents rejected, for now, proposals to close or merge some schools, eliminate football at Western Montana College and Montana Tech, and move the University of Montana and Montana State University to a lower level of athletic competition.

Admission standards approved by the board would take effect in the fall of 1990. First-time freshmen would be required to have completed a college preparatory program in high school. They also would need a minimum American College Testing score of 18 for entry to UM or MSU and a score of 14 for admission to the four colleges - Tech, Western, Northern Montana College and Eastern Montana College. The standards additionally require a minimum high school grade point average of 2.5 for university admission and 2.0 for colleges. The criteria exempts minorities, students with limited access to college prep courses, non-traditional students (such as older students returning to school), students with special recommendations from a high school principal, and student with special talents. The regents agreed that the details of the standards may be revised later. The standards are seen as a way of improving the quality of college students and saving money by reducing enrollment and related costs.

Student regent Scott Birkenbuel predicted the plan will bar older students from seeking an education. Many who have been out of school for years will be afraid of taking an ACT test, he said. "fear of failing the test will stigmatize that type of student from the start," he said. Bruce Carpenter, EMC President, said the standards will drastically cut enrollment at the Billings school where the average student age is 27.

In seeking repeal of fee waiver laws, the regents excluded those for Indian students. Chairman Dennis Lind said the Indian population

deserves recognition for their special role in Montana's history and their waiver should remain protected by law. MSU President William Tietz cited a "moral and philosophical obligation to Native Americans."

The regents' order for a 10 percent cut in athletic funding at each school during the coming biennium amounts to about a \$500,000 reduction. Also affected are scholarship offerings. MSU would give up about \$170,000; UM would lose \$150,000; Eastern forfeits \$50,000; Tech, \$38,000; Northern, \$30,000; and Western, \$32,000.

NOTE: In speaking to Indian professionals in the field of education, they made it very clear that although the Board of Regents are not now going to recommend that the Indian fee waivers be taken out of statute; we still need to keep a watchful eye on what occurs during Montana's Legislative session this January. The recommendation for such a measure could conceivably come from another source or the admission standards could involve Montana's Indian populace, in which case representation of the Indian community would be necessary.

AT THE FEDERAL LEVEL

Baucus Will Chair Senate Subcommittee on Taxation (Independent Record, December 10, 1986)

Senator Max Baucus, D-Mont., said Tuesday he will take over leadership of the Senate Subcommittee on Taxation when the 100th Congress convenes next month. Baucus also said he has been named chairman of the Hazardous Wastes and Toxic Substances Subcommittee.

"The tax committee will fill an important role in the next Congress," Baucus said in a news release. "As chairman, I will concentrate on two primary areas of taxation. First, we'll be reviewing the overall operation of the new tax law," he said. "Any legislation of this scope is bound to have a few problems."

Baucus said one of his other priorities will be to restore income-averaging for farmers to the new tax law. "It's a shame income-averaging was dropped by the conference committee," he said.

Baucus also said he will look for ways to use the tax laws to make American more competitive in the world economy.

On another matter, Baucus said he signed a letter sent to President Reagan that criticizes the administration for exceeding the limits of the SALT II nuclear agreement.

American Indian Elected to U.S. Congress

Ben Nighthorse Campbell, a member of the Northern Cheyenne Tribe, has been elected to the U.S. Congress. Representative Elect Campbell will represent District 3 of Colorado as a Democrat. He beat the incumbent, Mike Strang, and is only the eighth Native American to ever serve in the U.S. Congress. He will be the only American Indian to serve in Congress currently.

We were told that although Mr. Campbell is a member of the Northern Cheyenne tribe, he has never lived in Montana. He has lived in Colorado and has served as a state representative there for the last five years. He is a fine craftsman with jewelry, as well as being quite a horseman.

He was most recently on television as part of a documentary on Colorado. He discussed Indian traditions and the relationship of those traditions to present day life.

We would like to take this opportunity to congratulate Rep. Campbell on his recent victory and we wish him every success as a member of the U.S. Congress. It is our hope that Indian concerns may be viewed with a greater sensitivity due to the light that a Native American Representative may be able to shed on these matters.

GAO Releases Report on Indian Self Determination Contracts With the IHS
(American Indian Report, Vol. II, No. 12)

The General Accounting Office (GAO) has released a report evaluating the contractual relationship between P.L. 93-638 contractors and the Indian Health Service (IHS). In the report, tribes allege that the IHS does not cooperate fully throughout the contracting process and that the funding available is generally inadequate. There are also differences of opinion regarding the extent of monitoring which should be exercised by IHS once a tribe contracts a health program. The GAO did comment that the statements of work are inadequate and that it is difficult to determine what tribes are required to do under contracts. Copies of the report can be obtained from: U.S. General Accounting Office, P.O. Box 6015, Gaithersburg, MD 20877. Refer to report #GAO-HRD-8699. The first five copies are free; additional copies are \$2.00 each.

IHS Works With Blue Cross

Under a three-year, \$4.2 million contract, New Mexico Blue Cross and Blue Shield will begin processing and paying health insurance claims to contract health care providers for services to eligible American Indians and Alaskan Natives, starting with services rendered as of October 1, 1986. The cost containment measure will provide contract coverage for patients in 26 states, and is expected to help improve the management of IHS programs as well.

(American Indian Report, Vol. II, No. 12)

Indirect Costs

(American Indian Report, Vol. II, No. 12)

On November 7, 1986, Ross Swimmer, Deputy Asst. Secretary of the Interior, withdrew his September 26 memo requiring a 15% flat administrative fee on P.L. 93-638 contracts. The latest information is that FY 1987 contracts and indirect cost procedures will follow the same as those for FY '86. The Asst. Secretary will publish in the Federal Register proposed regulations which will provide for the 15% limitation on FY88 contracts. Tribes should review these regulations and submit comments.

Tribal Sentencing Authority Increased

As a result of the Anti-Drug Abuse Act of 1986, an amendment to the Indian Civil Rights Act (25 U.S.C. 1302) has increased tribal court sentencing authority, allowing a maximum sentence of one year (formerly 6 months) and/or a maximum fine of \$5,000 (formerly \$500). Although the original intent was to aid tribal efforts at combatting drugs, the higher sentencing limits apply beyond drug-related offenses. Tribal code amendments must be enacted before a tribe may take advantage of the increased court authority. While tribal courts will now be permitted to set these higher penalties, they are not required to impose them. For additional information contact: Hans Walker, Esq., (703) 425-3440. (American Indian Report, Vol. II, No. 12)

NOTE: Tribes interested in expanding their code to make use of these new maximum penalties may contact the Indian Law Clinic at the University of Montana Law School in Missoula for any expertise they may require to update their code. Their phone number is (406) 243-4311.

Melcher Picks Panel

Billings Gazette, 11/21/86

Montana Senator John Melcher will assume the chairmanship of the Senate Select Committee on Aging when Congress convenes next January, his Washington, DC office said Thursday. The new Democratic majority in the U.S. Senate gave Melcher the choice of leadership positions in two Senate committees - The Committee on Aging and the Indian Affairs Committee. In choosing the Committee on Aging, Melcher said: "In my view the committee needs to do more concerning the health of our elderly from Alzheimers to X-rays. The elderly must be assured of retirement security through sound pension-benefit funding and the Social Security program." Melcher will remain on the Indian Affairs Committee and the committees on agriculture and energy and environment.

NOTE: In a separate news article in the Great Falls Tribune on November 22, 1986, Melcher said he talked first with Senator Daniel Inouye to make sure the Hawaiian Democrat really wanted to be chairman of the Indian committee, and Inouye assured him he did. Melcher noted he will remain a member of that committee.

BIA and IHS 1987 Budgets

(American Indian Report, Vol. II, No. 12)

In October, the President signed a "Continuing Resolution" which makes appropriations for the full fiscal year 1987 for all federal programs including the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). The charts below compare the final budget figures

with FY 1986 levels, amounts requested by BIA, and U.S. House of Representatives and Senate levels. All amounts are in millions of dollars. ("Initial" refers to levels set by congress in FY 86 appropriations act prior to Gramm-Rudman cut of 4.3 %; "Adjusted" reflects these cuts and FY 86 supplemental appropriations act.)

BUREAU OF INDIAN AFFAIRS						
FY 1986			FY 1987			
Titles	Initial	Adjusted	BIA	House	Senate	Enacted
			Request			
Program Ops.	891.9	882.8	862.1	892.3	887.7	911.2
Construction	100.4	98.4	59.2	86.1	68.0	76.1
Loan Funds	2.2	2.1	2.5	2.7	2.5	2.5
Other	11.9	11.5	1.0	3.5	7.6	7.6
Total:	1006.3	994.8	924.7	984.7	965.1	997.3

Highlights of BIA budget:

- * \$4.2 million for contract support costs and \$1 million for school contract support costs included.
- * Proposed new consolidated "Tribe/Agency" Bureau activity disapproved.
- * Most of the proposed reductions in Alaska restored.
- * Johnson O'Malley program continued in BIA.

INDIAN HEALTH SERVICE						
FY 1986			FY 1987			
Titles	Initial	Adjusted	IHS	House	Senate	Enacted
			Request			
Services	818.2	819.5	719.9	836.3	833.1	841.8
Facilities	46.7	48.0	2.5	54.9	60.9	65.6
Total:	864.9	867.5	722.4	891.2	894.0	907.4

Highlights of IHS budget:

- * Services and facilities increased over last year's levels.
- * Resource Allocation Method (RAM) approved for use by IHS to no more than 3% of base resources.
- * \$2.5 million funding for tribal contract administration costs included.
- * Catastrophic health care fund created.
- * Community Health Representative (CHR) program continued.

SUPREME COURT DECISIONS

Indian Courts in High Court
Great Falls Tribune, 12/2/86

The broad powers of the American Indian court system are being challenged in the U.S. Supreme Court. In the case, Iowa Insurance Co. v. LaPlante, Max Davis the insurance company attorney from Great Falls,

argued that his client should not be liable for damages awarded by the tribal court. He said a federal court should hear the case because it involves a non-Indian party, the company, which is based in DeWitt, Iowa. But Joe Bottomly, also from Great Falls, argued for Blackfeet Indian Edward LaPlante, saying that the tribal court should hear the case that involves an accident that happened on the reservation.

The justices must decide if the tribal or federal court should try such cases. The case stems from a 1982 semi-truck accident in which the driver, LaPlante, crashed on U.S. Highway 89 on the Blackfeet Reservation. His employer, the now-closed Wellman Ranch Co. was insured by Iowa Mutual.

Tribal courts were established in 1935 under a federal law that recognized the Indian right to self government. The tribal courts have broad civil jurisdiction and may handle criminal cases, however, other courts usually handle criminal matters.

"We need to rethink these jurisdiction concepts," Davis told the nine justices in the austere court room filled with lawyers mostly in charcoal-grey suits. 'Tribal courts don't have jurisdiction over disputes between reservation members and outsiders,' Davis said.

But Associate Justice Antonin Scalia questioned whether a tribal court should be treated any differently or given any powers beyond those of a federal court. "Why should we treat tribal courts in a more unfavorable fashion than state courts?" Scalia asked.

Both lawyers agreed that the future of Indian economic development could hinge on the outcome of the case because many companies that might start businesses on reservations don't want to be held to tribal court judgements. "The net effect is all too often those types of social and commercial actions are discouraged," Davis said. He added that large companies like IBM might not do business on reservations if they thought they could be sued in tribal courts. While Bottomly agrees that the decision is important to the development of reservations, he said removing legal jurisdiction from the tribal courts would erode the power Congress has given Indians to help them develop socially and economically. "The evolution of tribal law has gone beyond regulations of tribal sovereignty," Bottomly told the justices. 'Congress has shown this...it lets tribes take the lead to develop their own policies and implement them.'

Chief Justice William Rehnquist questioned the degree of autonomy of 'longarm' jurisdiction the tribal courts now have. "It seems like a whole lot of power to give to tribal courts," he said. The justices will release their decision within two to five months.

OTHER COURT CASES

Eighth Circuit Reverses Adverse Decision In Voting Rights Matter
printed in part from NARF News Release, 11/5/86

By a unanimous vote the United States Court of Appeals for the Eighth Circuit reversed an earlier adverse decision out of the district court of South Dakota. The voting rights case, Buckanaga v. Sisseton Independent School District, was originally filed and subsequently appealed to the Eighth Circuit by the Native American Rights Fund (NARF) and Dakota Plains Legal Services on behalf of Indian parents living in

the school district. The area is located in the northeast corner of South Dakota.

In its October 31 decision, the Court of Appeals said that the lower court had failed to consider evidence presented by the Indian plaintiffs. The Court of Appeals determination to send the case back is important because it acknowledges that the earlier adverse decision had failed to take into consideration the history of discrimination in the area, racially polarized voting, disparity in socio-economic conditions, election practices and the lack of Indian elected officials to the local school board.

The Indian parents are recommending a single member voting scheme to replace the at-large one. It has been demonstrated elsewhere throughout the country that at-large election schemes frustrate attempts by minority populations to be adequately represented. In contrast, single district elections in which candidates are geographically elected within a subsection of the district or precinct helps assure that minority populations with significant geographic concentrations will be able to equally participate in the political system. Input to local public school boards from areas of high concentrations of Native Americans is critical to improving the education of Indian children.

NOTE: This case is markedly similar to the case involving Big Horn County that has been discussed in previous issues of "Council Signals". It would appear that the case in Montana would set a precedent for cases such as the one outlined above.

Indian Claim Denied

Billings Gazette, 11/22/86

A federal judge in Syracuse, NY on Friday rejected a claim by Oneida Indians to ownership of nearly 6 million acres that they contend were purchased illegally by New York state in the 1780's for \$16,500. The ruling by U.S. District Judge Neal McCurn will be appealed to the 2nd U.S. Circuit Court of Appeals in New York City, said Arlinda Locklear, lawyer for the Oneida Indian Nation. "I fully expect we will prevail on appeal," she said. The Oneida claim involves a swath of land 50 to 60 miles wide stretching from Binghamton near the New York-Pennsylvania border north to the St. Lawrence Seaway on the Canadian border near Watertown. Locklear said the land was worth \$5 million to \$6 million when it was purchased by the state in 1785 and 1788 under two treaties. But how much the land was worth was not an issue in the case, which turned on whether the state had the authority to buy the land at any price. Indians filed suit to reclaim the land in 1979. Even if the tribe wins its lawsuit on appeal, it is not seeking to take control of parcels of land two acres or less occupied by homeowners, an estimated 20 percent to 25 percent of the disputed acreage, Locklear said. The tribe does seek to control other parcels of land, however.

Judge to Decide Welfare Case

Billings Gazette, 11/22/86

A decision on the fate of a new law limiting welfare benefits in Montana will probably be issued before Jan. 1, state District Judge

Thomas Honzel said Friday. A five-day trial before Honzel, challenging the law, ended Thursday.

At issue is a statute that took effect Nov. 1, reducing general assistance welfare payments to able-bodied, childless people to two months annually, rather than the present 12 months. Opponents of the new law testified that it is discriminatory and violates the state Constitution's mandate for the Legislature to provide welfare for those in need of society's aid. They also warned that the loss of benefits will throw poor people into the streets, forcing some to live on the streets to survive. They said the state and its residents have a moral responsibility to help the needy.

But state Dept. of Social and Rehabilitation Services officials say the law is not discriminatory because it treats all able-bodied, childless people the same. Also, they said the reduction of benefits is a proper exercise of legislative authority to set priorities when state funds are scarce and other, more-needy people are clamoring for welfare services.

The new law is opposed by low-income groups, who have asked Honzel to issue an injunction before general assistance payments are cut off Jan. 1. SRS officials have estimated the law will affect 700 to 800 people and its implementation will save the state \$1.1 million this fiscal year.

The statute was passed in a June special legislative session as part of an attempt to balance a state budget that had a projected deficit of about \$90 million. The law is similar to one successfully challenged in court by low-income groups last year. That measure eliminated general assistance for able-bodied, childless people under 35 years and reduced by two-thirds the benefits for the same class of people under 50.

Honzel blocked that law from taking effect, and the Montana Supreme Court later threw out the statute, labeling it unconstitutional age discrimination. Both parties in the latest case expect it too will end up before the Supreme Court.

Co-op Challenges Tribal Jurisdiction Billings Gazette, December 6, 1986

Big Horn County Electric Cooperative filed a lawsuit Friday challenging the jurisdiction of the Crow Tribe to regulate the electric company's activities.

In a suit filed in U.S. District Court in Billings, the company, which provides service to 2,833 households and businesses in Montana and 222 in Wyoming, says the tribal court had no jurisdiction to interfere when the company shut off service to a Crow customer for not paying his bill. The co-op is asking the federal court to declare the tribal code pertaining to utilities null and void. It also wants the federal court to restrain the tribe from attempting to enforce the code.

Jim Torske, who is assisting Hardin attorney Bert Kronmiller in the case, said the objective of the lawsuit is to establish the jurisdiction one way or another. "We have to know where we are to protect the government funds on which we operate," he said.

The case started when the co-op notified Jerry Harris, a tribal member, that his service would be terminated. It was, and Harris filed a lawsuit seeking more than \$374 in damages against the co-op in tribal court. Harris maintained that his service was halted in violation of the Crow Tribal Code. The code as it relates to utilities is an extensive document with numerous conditions on termination of service. The federal complaint said the code illegally gives the Crow Tribal Health Board and Crow Tribal Court authority to determine whether service can be disconnected.

The co-op asserts that the tribe has no authority to regulate cooperatives financed by the Rural Electrification Administration, an agency of the U.S. Dept. of Agriculture. It also charges that, because the co-op is involved in interstate commerce, only congress has the right to impose or authorize regulation.

The complaint said the Crow code "is clearly outside the scope of the sovereign powers of the Crow Tribe of Indians."

The co-op is headquartered in Lodge Grass, and about 50 percent of its customers are tribal members. It is financed through REA loans and makes loan payments from its members' bill payments.

Cheyenne to Appeal Battin Ruling on Coal Sale (Billings Gazette, December 5, 1986)

The Northern Cheyenne Tribe on Thursday filed notice in U.S. District Court in Billings that it intends to appeal a ruling that suspended the 1982 Powder River Coal Sale instead of voiding it altogether.

Marc D. Slonim, attorney for the tribe, said the Cheyenne are especially interested in a provision of the ruling that allows Western Energy to continue mining tracts that it bought in the sale. He said the tribe may seek an injunction against further mining until the Ninth Circuit Court of Appeals has decided the appeal. Montana tracts containing 363.6 million tons of federal coal were sold in the largest federal coal sale in history. Western Energy is the only buyer now mining on the tracts.

The Northern Cheyenne filed a lawsuit against the Dept. of Interior as soon as the tracts were sold in 1982. The tribe charged that it had not been adequately considered in an environmental impact statement prepared before the sale. U.S. District Judge James Battin agreed with the tribe in a 1985 ruling voiding the sale. But Battin modified the decision on Oct. 8 of this year, ruling that the sale would merely be suspended until an expanded environmental impact statement could be prepared. The judge allowed mining to resume on the Western Energy tracts near Colstrip as long as the reservation suffers no adverse effects.

In explaining the Cheyenne resistance to the coal sale, Slonim said that, while the off-reservation community may have benefited from coal development, the tribe experienced only declining revenues and increasing unemployment. Statistics in a report issued in May by the Bureau of Land Management confirm some of the tribe's contentions. "Northern Cheyenne median family income, adjusted to constant dollars, dropped more than 7 percent between 1969 and 1979, while median income for Rosebud County as a whole increased almost 50 percent, and the

neighboring Crows enjoyed a real increase in median family income of more than 13 percent," the report said. It also noted that, while tribal unemployment was only 30 percent in 1970, at the beginning of the coal boom, it was 35 percent in 1975 in the middle of it. Now it is more than 50 percent, the report said.

The report said that the reservation population had increased with coal development and that the demand for services increased. But at the same time, tribal income was dropping from \$6 million annually to \$1 million. "To many Northern Cheyenne it seems that, as a result of coal development, life for non-Indians off the reservation keeps getting better, while the socioeconomic status of many families on the reservation continues to deteriorate," it said.

Slonim said that while state and local governments have been able to mitigate adverse effects with taxes on the coal industry and a portion of federal royalties, the tribe received nothing. He said the tribe was not even eligible for grants from the Coal Board created by Montana's 30 percent severance tax until 1983. The board was created in 1976.

GENERAL INFORMATION

State Bar Forms Referral Service

Independent Record, December 14, 1986

The State Bar of Montana announces the formation of a Lawyer Referral Service beginning December 15. The service will provide the public with the names of attorneys around the state willing to provide a variety of legal services.

Users of the service will pay only \$20 for the first half-hour of consultation, which may answer the question or solve the problem at that time. If additional services are needed, additional fees can be arranged between the client and the attorney.

Lummis Protest Taxation

(American Indian Report, Vol. II, No. 12)

Responding to IRS changes in taxation of tribal commercial fishing catches, over 500 Lummi Indians staged a symbolic protest in October by burning two of their fishing vessels. Formerly, only catches made in non-reservation waters were taxed, but with new IRS determinations approximately 60 individuals in the tribe face enormous bills for back taxes on catches made on the reservation as far back as 1977. The tribe contends that reservation-caught fish are exempt from taxes through treaties with the U.S. Government. For its part, the U.S. Government has split on the issue, with the BIA supporting Indian claims and the Justice Dept. siding with the IRS.

Wahkpa Chu'gn Buffalo Kill Site

Montana State Historic Preservation Office News, Oct.-Nov. 1986

The H. Earl Clack Memorial Museum in Havre was awarded an M.J. Murdoch Charitable Trust grant to conduct research, interpretive work and site maintenance at the Wahkpa Chu'gn Buffalo Kill Site (24HL101) (National Register 12-20-74) in Hill County. The site is a multi-component bison kill and campsite that was repeatedly used from about 50 BC to 1850 AD. Excavations this summer under the direction of John Brumley exposed additional bone levels and a butchering area from Besant and Late prehistoric time periods. A new interpretive shelter has been constructed and maintenance work was undertaken to halt erosion of intact cultural deposits.

Olympic Medals

Billings Gazette, December 10, 1986

The 1912 Olympic gold medals of Jim Thorpe, the legendary Indian athlete, have been presented to the state of Oklahoma by Thorpe's children. Gov. George Nigh accepted the medals Monday in a ceremony in front of the Thorpe portrait, which hangs in the fourth floor rotunda area of the Capitol. The event ended decades of controversy, first over whether the Oklahoma athlete deserved the medals and later over where they should be kept. "If just one or two or three young people accomplish just half of what he accomplished, we'll say we did something - we passed something along," Jack Thorpe, one of five Thorpe children at the ceremony, said of the donation to the state.

Sioux Blood Resolution Discussed

The Great Sioux Enrollment Committee has asked all Sioux tribal councils to discuss a resolution and support a constitutional amendment which would recognize all Sioux blood, regardless of tribal membership, for the purpose of expanding enrollment eligibility. Before constitutional changes can occur, each tribal council must vote in favor of the resolution and then hold a referendum vote on each reservation. for further information, contact enrollment offices of the tribes or executive officers of the United Sioux Enrollment Committee. (American Indian Report, Vol. II, No. 12)

Reservation Indians in Poor Economic Shape

Independent Record, December 11, 1986

Washington - Economic conditions on American Indian reservations are bad and worsening with no immediate help in sight, the Interior Department said Wednesday. The department said in a report that high levels of unemployment and poverty on the reservations had been exacerbated by dwindling federal spending on social programs and by slumping markets for oil and timber, on which some tribes depend for revenue. The study found that 41 percent of the American Indians living on reservations were below the poverty level, as against 12 percent of the total United States population. It also found that total unemployment among males 20 to 64 years old on the reservations, including "discouraged workers" who had stopped seeking work, was 58

percent, as against an average of 12 percent among all Americans. Many other indicators showed that Indians on reservations lagged well behind the rest of the country in social and economic conditions.

The report, which was prepared in response to a recommendation made in 1984 by the Presidential Commission Indian Reservation Economies, proposes a series of actions to attract private capital to the reservations as the chief means of spurring economic development. One recommendation calls for the creation of "Indian Enterprise Zones," which would give tax incentives, relief from some federal regulation and other benefits to private entrepreneurs who set up business operations on the reservations. Another proposal would require the Defense Department and other federal agencies to give preferential treatment to the reservations when letting contracts.

Ross O. Swimmer, assistant Interior Secretary for Indian Affairs, said in a telephone interview that the department's Bureau of Indian Affairs endorsed the report's findings and recommendations. He said that under the guidance of the bureau, investments by private businesses were already beginning on some reservations. But Suzan Harjo, executive director of the National Congress of American Indians, the oldest and largest national Indian organization, said the recommendations were inadequate to deal with the economic ills of the reservations. "The situation in Indian country is a national disgrace and should be something Americans should be embarrassed about and do something about," Harjo said.

In a very few areas, including educational levels achieved by Indian children, there were improvements on the reservations. About 25 percent of the 1.37 million American Indians live on reservations, according to 1980 census figures. A large percentage of Indians living near reservations were also in much worse economic shape than the national average, although not as badly off as the reservation residents, the report noted.

The report noted that federal spending on Indian reservations fell by 4 percent from 1981 to 1984 after adjustment to take inflation into account and had declined in current dollars in 1985 after having grown "significantly" between 1973 and 1980. Spending on anti-poverty programs declined even more sharply but the report stated that these programs had failed to develop "viable Indian economies." It showed that total federal spending on Indian programs, unadjusted for inflation, was \$2.7 billion in 1981, \$2.8 billion in 1982, \$3 billion in 1983, \$3.1 in 1984 and \$3 billion in 1985. Financing for employment and antipoverty programs went from \$264 million in 1980 to \$117 million in 1984. Reservation revenue from oil and other minerals was down to \$128 million in 1984 from a high of \$163 million in 1982.

Thieves Are Ransacking Ruins

Independent Record, December 14, 1986

In the loneliest reaches of America's wilderness, a bold new breed of thief is ransacking history with shovels, trowels and bulldozers. Tunneling carelessly through prehistoric Indian graves and villages, they plunder the past for artifacts that might fetch thousands of dollars on the black market and ultimately end up in private collections as far away as Japan.

Despite tougher laws protecting archaeological ruins on public

land, experts say the destruction continues at a pace that could obliterate such national historic sites within a few years. In the 11 months ending in September 1985, federal agencies reported 899 cases of archaeological vandalism. Tossing aside human bones, plowing through ancient walls, these pothunters destroy in a moment what has slumbered undisturbed for centuries as they cart off pottery, jewelry and tools for personal collections or profit.

"Our national heritage is being lost because of vandalism and artifact-hunting," Interior Secretary Don Hodel recently warned. "It is a page from the history book of this nation that's been taken for good. It cannot be replaced."

The pothunters' determination is shockingly evident at Poncho House Ruins, a spectacular chain of ancient Arizona cliff dwellings deep inside the Navaho reservation. Tucked into a cliffside 600 feet down a sheer sandstone wall, the ruins are difficult and dangerous to reach. By foot, it takes 40 minutes to hike down to the canyon floor on uncertain cliffside paths of slippery shale then scramble up to the dwellings themselves. Navajo rangers suspect pothunters have flown into the canyon at least once, when they received a report of an unmarked black helicopter hovering over Poncho House.

Poncho House was inhabited from as early as 1100 A.D. to about 1300 A.D. It appears on the National Register of Historic Sites and, until this century, the magnificent ruins were undisturbed. But over the past decade or so, pothunters have systematically burrowed through the rooms, thought to have been a part of a storage or granary complex. The digging has undermined the foundation and exposed the ruins to erosion. "It won't be long 'til it all caves in," lamented tribal archaeologist Tony Klesert.

The Navajos have counted more than 100 pothunting incidents over the past few years, Klesert said. The damage and sometimes wholesale destruction of ruins particularly pains Indians, who decry the theft of funerary goods buried with ancestors, and archaeologists, who complain that pothunting destroys the research value of a site, hopelessly jumbling layers of history.

No one knows for certain how widespread the damage is, but archaeologists and rangers with the Bureau of Land Management, the U.S. Forest Service and the National Parks Service estimate that 60-95 percent of all major documented sites have been vandalized.

Bronze to be Sold for Art Education Great Falls Tribune, December 14, 1986

Sculptor Bruce Contway has donated a bronze bison to the Great Falls Native American Art Association. The bronze is to be sold at the association's sale in March and the proceeds deposited in the Murton McCluskey Art Scholarship Fund, created last March to help further the art education of Native Americans. The scholarship fund is named for the director of the Great Falls public schools' Indian education coordinator.

Bruce Contway trained in sculpture at Montana State University and under his father, well known sculptor Jay Contway. He has exhibited his work at the Great Falls Native American Art Show since its beginning in 1983. Bruce attended Great Falls schools and began working in his

father's foundry when he was 12 years old. He now lives in Belgrade and operates his own foundry in Bozeman. Proud of his Sioux/Chippewa-Cree heritage, he portrays Indian subjects in many of his works. His bronzes and some of his father's have been showing at the World Cutting Horse Finals in Fort Worth since Dec. 2.

JOB ANNOUNCEMENTS

Land Management Has Summer Jobs Great Falls Tribune, December 17, 1986

The Bureau of Land Management is taking applications for a limited number of summer seasonal jobs, primarily in Western states. Application forms can be obtained from any bureau office and must be submitted to the bureau in Denver by Jan. 15, 1987. Jobs will be primarily in such fields as fire control, recreation and land surveying. A few jobs may also be open in forestry, range management, biological sciences and engineering. All applicants must be at least 18 years old and have some training or experience in the position applied for. Applications must be submitted to: Division of Personnel Resources, Bureau of Land Management, Denver Service Center, Bldg. 50, P.O. Box 25047, Federal Center, Denver, Colorado 80225-0047.

Social Studies Teacher/One-Semester Terminal Contract - Hellgate High School in Missoula. Submit application to Missoula County High Schools, Personnel Office, 915 South Avenue West, Missoula, MT 59801. Deadline is December 19, 1986.

University of Montana, Project Director/Adjunct Faculty for the Montana University Affiliated Program Satellite (MUAPS). For More info contact Dr. Rick Offner or Ms. Noreen Merritt at 243-5467. Review of applications will begin January 12, 1987.

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Office of Public Instruction, 2 positions of Special Education Specialist located in Helena, MT. Annual Salary of \$23,466. Closing date is Dec. 31, 1986. Qualified will have Masters degree in special education for one position and bachelors for the other. For further information contact local Job Service or OPI at 444-3095.

Mansfield Professor of Modern Asian Affairs, University of Montana. Application must be submitted by Feb. 15, 1987 to: Dr. Paul Gordon Lauren, Director, The Maureen and Mike Mansfield Center, U of M, Missoula, Montana 59812 or call 243-2988.

AVAILABLE PUBLICATIONS

Hundreds of Recommendations For Innovative New State Policies and Programs, as well as analysis of 48 crucial issues, are found in American's States: Building a Progressive Future 87-88. Just published by the National Center for Policy Alternatives, this 350-page book includes chapters (with both urban and rural emphasis) on housing, community economic development, public capital, agriculture and many other issues. Copies are available for \$14.95 (plus 10 percent postage) from NCPA, 2000 Florida Avenue, N.W., Suite 400, Washington, D.C. 20009, (202) 387-6030.

UPCOMING EVENTS

The Falmouth Institute offers a training program for tribes and tribal organizations in the following. For further information on course content and schedules, contact Maryann Marciano (703) 425-3440.

- * Cooperative Agreements - January 13-15, 1987 in Phoenix, AZ
- * Indirect Costs - January 21-22, 1987 in Albuquerque, NM
- * Investigations and Evidence Preservation - Feb. 24-26, 1987 in Phoenix, AZ.
- * Contract Management - Feb. 3-5, 1987 in Albuquerque, NM
- * Environmental Law for Tribes - Feb. 10-12, 1987 in Las Vegas, NV
- * School Board Training - March 3-5, 1987 in Phoenix, AZ

